

David Stebbins (pro se Plaintiff)
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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

DAVID STEBBINS,

PLAINTIFF

VS.

Case 3:21-cv-04184-JSW

KARL POLANO, et al

DEFENDANTS

MOTION FOR ENTRY OF DEFAULT AS TO KARL POLANO

Comes now, pro se Plaintiff David Stebbins, who hereby submits the following Motion for Entry of Default as to Karl Polano in the above-styled action.

1. On January 25, 2022, summons was returned unexecuted on Karl Polano, a resident of Switzerland. See **Doc. 101**. To remedy this, I moved for, and was granted, leave to serve Polano by email. See **Docs. 102 & 117**. Once that motion was granted, I immediately served Polano pursuant to the Court's instructions and filed the notice of said filing with the Court. This happened on March 15, 2022. See **Doc. 118**.
2. When I submitted my notice of service, I erroneously calculated that the deadline to respond was April 6, 2022. This was a mistake on my end. The deadline to respond was actually April 5, 2022. To prove this, see **Exhibit A**, a calendar of March and April 2022, marking the date of service (March 15) and then counting every day after that, one at a time. As you can see, Day 21 actually falls on April 5, 2022, not April 6. I even emphasized this point by circling "Day 21" and drawing arrows pointing to it.
3. So Karl Polano's deadline to respond to the Complaint was April 5, 2022.
4. It is now past 2AM in the central time zone (meaning it past midnight in the Pacific time zone) on April 6, 2022. Karl Polano still has not yet appeared in the case. Therefore, he deserves to be entered in default.
5. I therefore ask the Clerk's Office to enter Karl Polano in default.

So requested on this, the 6th day of April, 2022.

/s/ David Stebbins
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